

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :  
  
CHARLES CLIFTON EARLE, IV : BK No. 05-15532  
Debtor : Chapter 7  
  
: :  
PHOEBE MORSE, UNITED STATES :  
TRUSTEE :  
Plaintiff :  
v. : A.P. No. 06-1060  
  
CHARLES CLIFTON EARLE, IV :  
Defendant :  
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**ORDER DENYING MOTION TO EXTEND TIME TO FILE AN APPEAL**

Heard on January 9, 2008, on the Debtor's Motion to extend time to file a notice of appeal. The Debtor filed the instant motion on the last date possible under Fed. R. Bankr. P. 8002(c)(2) and therefore must establish that his failure to timely file a notice of appeal was caused by excusable neglect. Upon review of the travel of this matter and the various orders issued by the Court, including the Order dated August 10, 2007, Doc. No. 51, and the two orders dated November 5, 2007, Doc. Nos. 75 & 77, and for the reasons argued by the United States Trustee in her Objection to the motion, Doc. No. 87, which I adopt and incorporate herein by reference, I find that the Debtor has not acted in good faith throughout these proceedings and he has not met his burden of

establishing excusable neglect under the *Pioneer*<sup>1</sup> standard. Accordingly, the Motion to Extend Time is DENIED.

Dated at Providence, Rhode Island, this 10<sup>th</sup> day of January, 2008.



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Arthur N. Votolato  
U.S. Bankruptcy Judge

Entered on docket: 1/10/2008

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<sup>1</sup> *Pioneer Investment Servs. Co. v. Brunswick Assocs. L.P.*, 507 U.S. 380 (1993).